Georgia Department of Natural Resources

Environmental Protection Division • Watershed Protection Branch
2 Martin Luther King Jr. Dr • Suite 1152 East • Atlanta • Georgia 30334
(404) 463-1511; Fax (404) 651-8455
Judson H. Turner, Director

APR 28 2016

Ms. Deanna Greco
National Park Service
Chattahoochee River National Recreation Area
1978 Island Ford Parkway
Sandy Springs, Georgia 30350

Re: Request for Stream Buffer Variance under
Provisions of O.C.G.A. 12-7-6(b)(15)
Northpoint Parkway Mixed-use Development
City of Alpharetta

Dear Ms. Greco:

Thank you for your letter of March 8, 2016 regarding the above referenced stream buffer variance request. We appreciate you making us aware of your concerns.

After receiving your comments we forwarded them to the variance applicant and requested that they consider them and provide a response. We have reviewed the applicant's response (enclosed) and are satisfied that your concerns have been adequately addressed. Because the applicant has met all applicable requirements, the requested variance has been granted. A copy of the Director's letter granting the variance is enclosed.

Again, thank you for taking the time to share your concerns with us; we appreciate your commitment to helping us protect our state's water resources. If you have any questions, please contact Michael Berry, Erosion and Sedimentation Control Unit, at (404) 651-8554.

Sincerely,

Glen Behrend

Glen Behrend, P.E.
Program Manager
NonPoint Source Program

GB:mb

Enclosure

United States Department of the Interior

National Park Service
Chattahoochee River
National Recreation Area
1978 Island Ford Parkway
Sandy Springs, GA 30350

IN REPLY REFER TO:
L7619 (CHAT)

March 8, 2016

Program Manager
NonPoint Source Program, Erosion and Sedimentation Control
2 Marin Luther King Jr. Drive S.W., Suite 1456
Atlanta, GA, 30334

Dear Program Manager:

This letter is in response to Public Advisory control number BV-060-16-01, City of Alpharetta, Georgia for permission to encroach on the 25-foot State waters buffer. The variance is considered under the Georgia EPD Buffer Variance Criteria and Procedure 391-3-7.05(2)(H), the Corps of Engineers has approved a mitigation plan to be implemented for the project. This project will involve the construction of new mixed-use development. The applicant estimates that 210.5 linear feet of stream will be impacted during construction.

Congress established the Chattahoochee River National Recreation Area (CRNRA), a unit of the National Park Service (NPS), in 1978 to assure the preservation and protection of a 48-mile stretch of the Chattahoochee River from Buford Dam to Peachtree Creek. CRNRA consists of the river and its bed along with the lands, waters, and interests within the park's authorized boundary. Congress expressly provided the Secretary of the Interior, acting through the National Park Service (NPS) and CRNRA, with the authority to protect the "natural, scenic, recreation, historic and other values" of the Chattahoochee River. We are concerned that the project could cause detrimental impacts to park resources if proper Best Management Practices (BMPs) are not followed and maintained. It is with these concerns in mind that NPS offers the following comments and recommendations:

Cumulative Impacts

As the Atlanta metropolitan region grows, incremental impacts from many small-scale projects contribute significantly to overall land-disturbance within the Chattahoochee River corridor. CRNRA is concerned that the growing number of permits issued for construction purposes pose a cumulative threat to the protection of the river corridor.

Recommendation: We request that the review process for all land-disturbing activities consider the cumulative impacts from erosion and sedimentation, use of culverts, stormwater management, and spread of non-native invasive species. The proposed project includes the extension of two existing culverts. The stream system is already being impacted by the existing culverts and the cumulative impacts of the culvert extensions should be considered.

Erosion and Sedimentation

If GA EPD decides to issue project authorization, there will be potential for increased erosion and sedimentation. Stream buffers play an important role in protecting the water quality of the Chattahoochee River from nonpoint source pollution such as sedimentation. The mixed use development is within the Big Creek Watershed. Big Creek is listed on the state of Georgia's 303(d) list as impaired for not fully meeting its designated use and any addition of sediment or run-off would disrupt the current water quality standard. Therefore, avoiding impacts to the stream buffers is critical in preventing further impairment to the water quality of the river. We ask that all construction Best Management Practices (BMPs) be designed and implemented to comply with or exceed the standards and specifications outlined in the *Manual for Erosion and Sediment Control in Georgia*. An approved erosion and sedimentation control plan should be implemented before soil disturbances occur within the project site to avoid violating the Erosion and Sedimentation Act of 1975.

Recommendation: Impacts to the stream buffers should be avoided or minimized to avoid an influx of sedimentation from the construction activities. After proper installation, continued and unfailing maintenance and repair of the BMP's should be guaranteed in order to ensure their effectiveness and specifically to control, as far as possible, the effects of this project on the river.

Installation of Culverts for Stream Crossings

In general, installation of culverts changes the substrate, light availability, and sinuosity of the natural stream channel. In addition, culverts increase the velocity of water, especially during times of high flows. Altering the substrate, channelizing the stream, and altering the natural daytime/nighttime light regime of tributaries, especially in close proximity to the Chattahoochee River, have the potential to alter or negatively affect the ecological biodiversity of aquatic species.

Recommendation: The NPS requests an alternatives analysis that examines the use of bridges and box culverts when possible to avoid potential impacts to the aquatic ecosystem of the Chattahoochee River and watershed.

Installation of Impervious Surface

The addition of impervious surface in the form of roads, parking lots, and other facilities common of urban development contributes to the growing problem of uncontrolled storm water runoff and resulting pollutant loads. This leads to adverse effects on hydrology and ecological functions of the Chattahoochee River and its tributaries.

Recommendation: We request that the applicant seriously consider constructing the parking lots of pervious materials.

Introduce/Promote Non-native Species

Construction activities have the potential to transport exotic invasive plant and animal species.

Recommendation: We request that all equipment be washed and cleaned of mud and debris that may transport unwanted pests. The NPS encourages the project applicant to use only native grass seed or native vegetation for stabilizing the project area following construction. Non-native species are easily transported downstream and can start new colonies in CRNRA.

Landscaping with Native Species

Landscaping with native plant species provides a beautiful, hardy, drought resistant yard that benefits the natural environment. It requires less water, fertilizer, and pesticides, therefore costing less in maintenance. Furthermore, native plants promote stewardship of our natural heritage by supporting pollinators, birds, and other wildlife while supporting biological diversity and ecological functions.

Recommendation: NPS encourages the use native plant species for landscaping.

Uncontrolled Stormwater Runoff and Fluxes in River Flow

CRNRA is concerned about the damage caused throughout the Chattahoochee River Corridor by stormwater runoff and fluxes in flow from the river. Pulses of water from precipitation events cause scouring of stream banks leading to the degradation of tributaries and impairment of water quality in the park. The unnatural flow regime is causing a loss of land and native vegetation within the stream protection buffer zones, therefore reducing the width and extent of the stream buffers and compromising their functionality.

Recommendation: We request that a proactive approach in the control of stormwater flows by the use of smart growth techniques to better control the unnatural fluctuations be used.

We appreciate your consideration of these comments. Please feel free to contact park's Chief of Planning and Resource Management, Deanna Greco, directly if you have any questions or concerns that we could help to address. She can be reached at 678-538-1321 or by email at Deanna_Greco@nps.gov.

Thank you,

Deanna Greco
Acting-Superintendent

corblu
ECOLOGY GROUP

March 30, 2016

Mr. Michael Berry
Watershed Protection Branch
Environmental Protection Division
Georgia Department of Natural Resources
2 Martin Luther King Drive, SW
Suite 1462
Atlanta, Georgia 30334

Subject: **Response to Comments**
Northpoint Parkway Site
Fulton County, Georgia
EPD File No. BV-060-16-01
Corblu Project No. 02-031915

Dear Mr. Berry:

On behalf of our client, Windward Point WHP, Inc., Corblu Ecology Group, LLC (Corblu) is pleased to submit our response to the public comments provided to you from Ms. Deanna Greco, National Park Service (NPS) Chattahoochee River National Recreation Area (CRNRA). Specific concerns that require a response are listed below in *italics* followed by our response in **bold** print.

Deanna Greco, Acting-Superintendent
Chattahoochee River National Recreation Area

*Ms. Greco states "We are concerned that the project could cause detrimental impacts to park resources **IF** proper Best Management Practices (BMPs) are **NOT** followed and maintained. It is with these concerns in mind that NPS offers the following comments and recommendations (emphasis added).*

Windward Point WHP, Inc. (the Applicant) is committed to the use and maintenance of approved (i.e., City of Alpharetta, EPD, Local Issuing Authority) BMPs in the development of the Northpoint Parkway development site. The applicant has engaged and consulted with qualified engineers and environmental professionals that have developed and designed EPD compliant BMPs to control soil erosion during construction and post construction

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stormwater management to maintain water quality at and above the attributes of the current stream buffers, as well as purchase of stream and stream buffer mitigation credits from an approved mitigation bank in the same watershed of the project (i.e., Upper Chattahoochee River Basin). Based on the Applicant's actions and preemptive measures, the resources of the CRNRA will not be harmed by the proposed development.

Ms. Greco expressed concern that the growing number of permits issued for construction purposes pose a cumulative threat to the protection of the river corridor.

As described in the submitted buffer variance application, the piping of the of the streams on the project site will reduce downstream sedimentation over current conditions, including improved water quality input into the Chattahoochee River and CRNA. Specifically, as described in the application, the stream banks are heavily eroded and contribute significant sediments to downstream waters. Piping this stream segment will eliminate this sedimentation source to downstream waters, including the Chattahoochee River and CRNRA. With respect to "cumulative impacts", the federal government [i.e., U.S. Army Corps of Engineers (USACE)] has determined that projects that can be completed under an USACE, Nationwide Permit, such as the proposed project "*result in minimal individual and cumulative adverse environmental affects*" (Federal Register Vol. 77, No. 34, page 10186, February 21, 2012).

An approved erosion and sediment control plan should be implemented before soil disturbances occur on the project site and Best Management Practices (BMPs) be designed and implemented to comply with the standards and specifications outlined in the Manual for Erosion and Sediment Control in Georgia.

As stated above, the Applicant's consulting engineers will prepare and obtain approval of an erosion and sediment control plan, and the contractor will implement the plan before soil disturbances occur, and will follow and maintain BMPs outlined in the Manual for Erosion and Sediment Control in Georgia.

Altering the substrate, channelizing the stream, and altering the natural daytime/nighttime light regime of tributaries, especially in close proximity to the Chattahoochee River, have the potential to alter or negatively affect the ecological biodiversity of aquatic species.

Both streams on-site have been previously piped; therefore, the implied impacts to the stream and buffers have already occurred, and the assignment of these impacts to the proposed project is not justified. Specifically, these stream habitats and associated buffers have been previously fragmented and no stream channelization is proposed. The aquatic buffers to the previously fragmented streams are of low quality due to the urban setting throughout their watersheds. The stream banks are steep and the site is surrounded by impervious surfaces. Currently stormwater run-off is directed onto the project site and stream channels without detention, which has resulted in bank failure and erosion throughout the streams and its associated buffers on the project site. As proposed, the loss of the minimum attributes of the existing buffers will be offset with measures that are more protective than provided by the existing conditions of the natural environment, primarily through the proposed stormwater management system, which provides for channel protection (i.e., volumetric) and water quality controls (i.e., wet detention basin). While the proposed development plan will result in an increase of impervious areas and buffer encroachments, the proposed development includes a stormwater management plan with channel protection and water quality controls that meet or exceed Blue Book requirements. Therefore, water quality for this sub-watershed to Big Creek is expected to improve over current conditions from the proposed project implementation.

Impervious surface leads to adverse effects on hydrology and ecological functions of the Chattahoochee River and its tributaries.

The proposed "off-line" stormwater detention facilities for the development will protect the aquatic integrity of waters down gradient of the project site as described in the stormwater control plan as provided in the submitted stream buffer variance application. Impacts to stream buffer functions will be mitigated through the integrated stormwater/water quality management system, which will provide channel protection and an 80% reduction in post-development total suspended solids (TSS) [391-3-7.05(7)(d)(4 and 5)], using management techniques described in the Georgia Stormwater Management Manual (Blue Book).

The Applicant will consider the use of pervious surfaces for their parking lots, however, we meet the minimum requirements with our current, proposed site plan without the employment of these features.

Construction activities have the potential to transport exotic invasive plant and animal species.

All construction equipment will be cleaned before entering the site to ensure exotic plant species are not brought on-site that could potentially be transported downstream into the CRNRA. However, it should be noted that extensive invasion of exotic species (e.g., Chinese privet, Japanese honeysuckle) has already occurred within the boundaries of the CRNA and can not be contributed to the proposed project.

Landscaping with native species.

As seen in the submitted stream buffer variance application, the Applicant will only landscape with native plant species, as stipulated by the City of Alpharetta.

Uncontrolled stormwater runoff causing a loss of land and native vegetation within the stream protection buffer zones, therefore reducing the width and extent of the stream buffers and compromising their functionality.

On-site mitigation measures to offset the lost function of the riparian buffers include the incorporation of an integrated stormwater management system designed to meet the requirements of the Blue Book. An underground detention vault and wet detention basin are proposed to be located in the central portion of the project site. Stormwater will be initially directed to the "stormwater park" which is comprised of 48-inch, perforated CMP with open graded stone for water quality management and improvements. The treated stormwater is then directed to the underground vault for volumetric and rate detention (i.e., stream channel protection, overbank channel protection, and extreme flood protection). The wet detention basin will consist of segments of 48-inch perforated CMP with open graded stone to provide required water quality improvements before sending treated stormwater to the underground detention vault, resulting in no untreated stormwater being discharged to the streams. The stormwater design will provide a minimum of 80% TSS reduction, meeting the State-required TSS reduction requirement, and will provide downstream channel and bank protection and peak discharge attenuation as required by the Blue Book.

Conclusion

We agree with the NPS that stream buffers are integral to protecting water quality, and serve to protect and preserve the ecological integrity of the CRNRA; however, the proposed buffer encroachments must be placed in context with the current buffer conditions in the proposed area of encroachment and the positive water quality outcome of the proposed activities. The proposed

development will serve to reduce nonpoint source pollutants which are of concern to the NPS, over current conditions. Also, non-native species inconsistent with the City of Alpharetta's landscaping requirements (e.g. non-native species) will be controlled as described above.

Thank you for this opportunity to reply to the received public comment for the Northpoint Parkway SBV application. If you have questions or comments regarding our reply to the above comments please contact the undersigned at (770) 591-9990.

Sincerely,

CORBLU ECOLOGY GROUP, LLC

Micah W. Whiteside, CE, CWB
Senior Ecologist

Richard W. Whiteside, PhD, CWB, CSE
President

c: Mr. Robert Kincheloe, Worthington Hyde Partners (via email)
Mr. Jim Garrard, Garrard Development, Inc. (via email)